

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<b>IN RE:</b>	) <b>Case No. 21-21712-CMB</b>
Eustace O. Uku,	)
<b>Debtor,</b>	) <b>Chapter 13</b>
Eustace O. Uku,	)
<b>Movant,</b>	) <b>Related Document No. 184,177,171,159 &amp; 189</b>
<b>vs.</b>	)
Charles A. Knoll, Jr.,	)
Municipality of Penn Hills,	)
Penn Hills School District,	)
County of Allegheny,	)
Mellon Bank Community Development,	)
PNC Bank, National Association, and	)
Ronda J. Winnecour, Chapter 13	)
Trustee,	)
<b>Respondents.</b>	) <b>Document No.</b>

**AMENDED ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY  
FREE AND CLEAR AND DIVESTED OF LIENS, CLAIMS AND ENCUMBRANCES**

**AND NOW**, this 24th day of March 2023, on consideration of the **Debtor's Amended Motion to Sell** 8260 Chaske Street, Municipality of Penn Hills, Allegheny County, Pennsylvania **Free and Clear of All Liens and Encumbrances and Claims** to Home Buyers of Pittsburgh, LLC and or its assigns, 1080 Steuben Street, Pittsburgh, PA 15220 for \$42,500.00, after a Zoom Video Conference Hearing held, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Motion for sale of real property free and divested of the interest of the co-owner, the mortgages, liens and judgments of the above-named Defendants, was affected on the following secured creditors whose liens are recited in said Motion for sale, viz:

**DATE OF SERVICE**

(Date of Each service)

August 31, 2022

**NAME OF LIENOR AND SECURITY**

(Name and address of each including description of collateral)

County of Allegheny  
Jeffrey R. Hunt, Esquire  
GRB Law  
525 William Penn Place  
Pittsburgh, PA 15219  
(tax lien)

August 31, 2022	Municipality of Penn Hills c/o Jennifer L. Cerce, Esquire Maiello Brungo & Maiello Southside Works 424 S. 27 <sup>th</sup> Street, Suite 210 Pittsburgh, PA 15203 <i>(tax lien)</i>
August 31, 2022	Penn Hills School District c/o Jennifer L. Cerce, Esquire Maiello Brungo & Maiello Southside Works 424 S. 27 <sup>th</sup> Street, Suite 210 Pittsburgh, PA 15203 <i>(tax lien)</i>
August 31, 2022	Charles A. Knoll, Jr. c/o David M. Nernberg, Esquire Maurice A. Nernberg & Assoc. 301 Smithfield Street Pittsburgh, PA 15222 <i>(judgment)</i>
August 31, 2022	Ronda J. Winnecour 3250 US Steel Tower 600 Grant Street Pittsburgh, PA 15219 <i>Chapter 13 Trustee</i>
December 7, 2022	Mellon Bank Community Development Corp. 1 Mellon Bank Center Pittsburgh, PA 15258 <i>Mortgage</i>
December 7, 2022	Mellon Bank Community Development Corp. 500 Grant Street, Suite 2850 Pittsburgh, PA 15258 <i>Mortgage</i>
February 22, 2023	PNC Bank, N.A. 1600 Market Street Philadelphia, PA 19103 <i>(judgment)</i>

(2) That sufficient general notice of said hearing and sale, together with the Confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion to Sell the fee simple interest. .

(3) That the said hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)* on September 6, 2022, in the Pittsburgh Post-Gazette on September 22, 2022, and in the Pittsburgh Legal Journal on September 23, 2022, as shown by the Proof of Publications duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of **\$42,500.00** offered by Home Buyers of Pittsburgh, LLC was a full and fair price for the property in question for the interest of the Debtor.

(6) That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with In re: Abbots Dairies of Pennsylvania, Inc., 788 F2d. 143 (3d Cir. 1986).

Now therefore, ***IT IS ORDERED, ADJUDGED AND DECREED*** that the sale by Special Warranty deed of the real property described as 8260 Chaske Street, Municipality of Penn Hills, Allegheny County, Pennsylvania is hereby **CONFIRMED** to Home Buyers of Pittsburgh, LLC and or its assigns, 1080 Steuben Street, Pittsburgh, PA 15220 for \$42,500.00, free and divested of the above recited liens and claims, and, that the Plaintiff is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

***IT IS FURTHER ORDERED*** that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear, and divested of said liens and claims;

***IT IS FURTHER ORDERED***, that the following expenses/costs shall immediately be paid at the time of closing. ***Failure of the Closing Agent to timely make and forward the disbursements required by this Order*** will subject the closing agent to monetary sanctions, including among other things, a fine or imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.

- (1) The following lien(s)/claim(s) shall be paid from the sale proceeds:
- (2) The costs of local newspaper advertising in the amount of \$100.10; reimbursed to Calaiaro Valencik for the amount of their approved by the Court for legal fees and for all costs and advertising expenses related to this sale. This charge shall be assessed against the sale proceeds; then

- (3) The costs of legal journal advertising the amount of \$126.00; reimbursed to Calaiaro Valencik for the amount of their approved by the Court for legal fees and for all costs and advertising expenses related to this sale. This charge shall be assessed against the sale proceeds; then
- (4) The legal fees and costs related to the sale to Calaiaro Valencik of \$1,500.00; then
- (5) The allowed Chapter 13 Trustee fees of \$1,345.49; then
- (6) Delinquent real estate taxes; This charge shall be assessed against the sale proceeds; then
- (7) Current real estate taxes, pro-rated to the date of closing; This charge shall be assessed against the sale proceeds; then
- (8) To the extent that there are proceeds, the allowed payoff of the Mellon Bank Community Development Mortgage at MBV 27901 p. 212; then
- (9) To the extent that there are proceeds, the allowed payoff of the judicial lien of PNC Bank National Association at GD-012-011195 entered by the court on June 6, 2012 against the Debtor in an original amount of \$49,068.43; then
- (10) To the extent there are proceeds, the allowed payoff of the judicial lien of Charles A. Knoll, Jr. at GD-12-007435. The judgment was entered by the court on or about July 14, 2014, against the Debtor in an original amount of \$175,882.08; then
- (11) The liens of Charles A. Knoll, Municipality of Penn Hills, Penn Hills School District, County of Allegheny, Mellon Bank Community Development, and PNC Bank, National Association are divested from Parcel No. 294-N-00185 known as 8260 Chaske Street, Verona, PA 15147, even if there are no net proceeds available for their liens; then
- (12) The Debtors "net proceeds" if any, from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "*Ronda J. Winnecour, Ch. 13 Trustee, WDPa, P.O. Box 84051, Chicago, IL 60689-4002*";
- (13) This is a sale free and clear of liens. Any liens not paid from sale proceeds are completely divested as to 8260 Chaske Street, Verona, PA 15147.

- (14) If there is a dispute at time of closing, the settlement officer may pay the undisputed claims at closing to in the order of their priority, and then escrow the balance with Calaiaro Valencik and that amount will be deposited into their IOLTA account until further order of this court.
- (15) This Court reserves the jurisdiction over the sale and the proceeds until they are distributed.

***IT IS FURTHER ORDERED*** that:

- (1) Movant is granted an extension of thirty (30) days from this Order to close and within five (5) days following closing, the Movant shall file a report of sale;
- (2) This Sale Confirmation Order survives any dismissal or conversion of the within case; and,
- (3) Within five (5) days of the date of this Order, the Movant shall serve a copy of the within Order on each Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Purchaser, and the attorney for the Purchase, if any, and file a certificate of service.

**IT IS FURTHER ORDERED THAT** the Debtor will file a report of sale within 15 days of the closing. If the original bidder does not close the sale within the time allowed by this sale order, the Debtor will file a notice and status court with this court.

  
Honorable Carlota M. Böhm dmk  
United States Bankruptcy Judge

FILED  
3/24/23 1:54 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

In re:  
Eustace O. Uku  
Debtor

Case No. 21-21712-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Mar 24, 2023

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 26, 2023:

Recip ID	Recipient Name and Address
db	+ Eustace O. Uku, 214 Farmington Road, Pittsburgh, PA 15215-1633

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 26, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 24, 2023 at the address(es) listed below:

Name	Email Address
Allison L. Carr	on behalf of Creditor Dep't of Revenue Office of Attorney General acarr@attorneygeneral.gov
Allison L. Carr	on behalf of Defendant Pennsylvania Department of Revenue acarr@attorneygeneral.gov
Amanda Grant	on behalf of Creditor PNC Bank N.A. agrant@utbf.com
Andrew Kevin Pratt	on behalf of Debtor Eustace O. Uku apratt@c-vlaw.com kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;akpratt.ecf@outlook.com
Andrew Kevin Pratt	on behalf of Defendant Eustace O. Uku apratt@c-vlaw.com kmosur@c-vlaw.com;ssimmons@c-vlaw.com;jadam@c-vlaw.com;akpratt.ecf@outlook.com

District/off: 0315-2

User: auto

Page 2 of 3

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Total Noticed: 1

Brian Nicholas

on behalf of Creditor Deutsche Bank National Trust Company as Indenture Trustee for New Century Home Equity Loan Trust  
2004-1 bnicholas@kmlawgroup.com

David M Nernberg

on behalf of Creditor Charles A. Knoll Jr. dmn@nernberg.com

David M Nernberg

on behalf of Defendant Charles A. Knoll Jr. dmn@nernberg.com

David M Nernberg

on behalf of Plaintiff Charles A. Knoll Jr. dmn@nernberg.com

David W. Raphael

on behalf of Defendant First National Bank of PA raphaeld@fnb-corp.com

David Z. Valencik

on behalf of Debtor Eustace O. Uku dvalencik@c-vlaw.com  
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on behalf of Defendant Eustace O. Uku dcalaiaro@c-vlaw.com  
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Donald R. Calaiaro

on behalf of Debtor Eustace O. Uku dcalaiaro@c-vlaw.com  
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om;eballa@c-vlaw.com

Jeffrey R. Hunt

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Jeffrey R. Hunt

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Jennifer L. Cerce

on behalf of Creditor Penn Hills School District and Municipality of Penn Hills jlc@mbm-law.net

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Kristen Wetzel Ladd

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Mary Bower Sheats

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Mitchel Zemel

on behalf of Interested Party Home Buyers of PGH zemel@zemellaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

District/off: 0315-2

User: auto

Page 3 of 3

Date Rcvd: Mar 24, 2023

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TOTAL: 28